

Title of Regulation 6 VAC 20-250. Regulations Relating to Property and Surety Bail Bondsman

## **PART I. DEFINITIONS**

### **6 VAC 20-250-10 Definitions.**

The following words and terms when used in this regulation shall have the following meanings, unless the context clearly indicates otherwise:

“Agent bail bondsman” means a licensed property bail bondsman who is in the employment of another licensed property bail bondsman whose collateral requirement is met by the principal bail bondsman pursuant to 9.1-185.5.

“Armed” means a bail bondsman who carries or has immediate access to a firearm in the performance of his duties.

“Bail” means the pretrial release of a person from custody upon those terms and conditions specified by order of an appropriate judicial officer.

"Bail bondsman" means any person who is licensed by the Department who engages in the business of bail bonding and is thereby authorized to conduct business in all courts of the Commonwealth.

"Board" means the Criminal Justice Services Board or any successor board or agency.

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“Bond” means the posting by a person or his surety of a written promise to pay a specific sum, secured or unsecured, ordered by an appropriate judicial officer as a condition of bail to assure performance of the terms and conditions contained in the recognizance.

“Certificate” means a certificate issued by a judge on or before June 30, 2005, pursuant to former § 19.2-152.1.

“Certified Training School” means a training school, which is certified or licensed by the Department for the specific purpose of training regulated personnel in at least 1 category of the compulsory minimum training standards.

"Department" or "DCJS" means the Department of Criminal Justice Services or any successor agency.

"Firearm endorsement" means a method of regulation, which identifies a person licensed as a bail bondsman who has successfully completed the annual firearms training and has met the requirements as set forth in this regulation.

"Licensee" means a licensed bail bondsman.

"Property bail bondsman" means a person pursuant to this article who, for compensation, enters into a bond or bonds for others, whether as a principal or surety, or otherwise pledges real

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property, cash or certificates of deposit issued by a federally insured institution, or any combination thereof as security for a bond as defined in § 19.2-119 that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail.

“Principal Bail Bondsman” – a licensed property bail bondsman who provides the collateral requirements for any agent bail bondsmen in his employment.

“Recognizance” means a signed commitment by a person to appear in court as directed and to adhere to any other terms ordered by an appropriate judicial officer as a condition of bail.

"Surety bail bondsman" means a person licensed pursuant to this article who is also licensed by the State Corporation Commission as a property and casualty insurance agent, and who sells, solicits, or negotiates surety insurance as defined in § 38.2-121 on behalf of insurers licensed in the Commonwealth, pursuant to which the insurer becomes surety on or guarantees a bond, as defined in § 19.2-119, that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail.

## **PART II. FEES**

### **6 VAC 20-250-20 Fees.**

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A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing and other administrative requests for services relating to bail bonding services.

| Categories                                  | Fees             |
|---|------------------|
| Initial bail bondsman license               | \$ 900.00        |
| Bail bondsman license renewal (Bi-annually) | \$ 900.00        |
| Firearms endorsement (Annually)             | \$ 10.00         |
| Fingerprint card processing                 | \$ 50.00         |
| <u>Reinstatement</u>                        | <u>\$ 250.00</u> |
| Replacement photo identification            | \$ 15.00         |
| Partial Training Exemption                  | \$ 25.00         |

B. Dishonor of fee payment due to non-sufficient funds.

1. The Department may suspend the license it has granted any person who submits a check or similar instrument for payment of a fee required by statute or regulation, which is not honored by the financial institution upon which the check or similar instrument is drawn.
2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the licensee may request that the suspended license or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompanies the request. Suspension under this provision shall be exempt from the Administrative Process Act.

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### **PART III. LICENSING PROCEDURES AND REQUIREMENTS**

#### **6 VAC 20-250-30 Bail Bondsman Eligibility**

Persons required to be licensed, pursuant to § 9.1-102.47 of the Code of Virginia, as a bail bondsman shall meet all licensure requirements in this section. **Persons who carry or have access to a firearm while on duty must have a valid license with a firearm endorsement as described under 6VAC20-250-80 of this regulation.** If carrying a handgun concealed, the person must also have a valid concealed handgun permit, and the written permission of his employer pursuant to §18.2-308 of the Code of Virginia.

A. Each person applying for a Bail Bondsman license shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age;
2. Be a United States citizen or legal resident alien of the United States; and
3. Have received a high school diploma or GED.
4. Have successfully completed all initial training requirements, pursuant to the compulsory minimum training standards in Part IV of this regulation.
5. Have successfully completed the bail bondsman exam at a certified or licensed private security services training school with a minimum passing grade of 70%

B. The following persons are not eligible for licensure as bail bondsmen and may not be employed nor serve as the agent of a bail bondsman:

1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored;

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2. Employee, spouse of an employee or residing in the same household of an employee of a local or regional jail; sheriff's office; state or local police Department; persons appointed as conservators of the peace pursuant to Article 4.1 (§ 9.1-150.1 et seq.) of this chapter; an office of an attorney for the Commonwealth; Department of Corrections, Department of Criminal Justice Services, or a local community corrections agency.

**6 VAC 20-250-40 Initial Bail Bondsman License Application**

## A. Prior to the issuance of any bail bondsman license, each bondsman applicant shall:

1. Pass the bail bondsman exam as prescribed by the Board or have successfully completed a surety bail bondsman exam as required by the State Corporation Commission under former § 38.2-1865.7. Any applicant who improperly uses notes or other reference materials, or otherwise cheats on the exam, shall be ineligible to become a licensed bail bondsman.
2. Successfully complete entry-level training, and firearms training if applicable, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation;
3. File with the Department a completed application for such license on the form and in the manner provided by the Department.
4. Submit fingerprints to the Department pursuant to 6 VAC 20-250-50;
5. Submit the appropriate nonrefundable application-processing fee to the Department.
6. Maintain a physical address in Virginia where records, required to be maintained by the Code of Virginia and this regulation, are kept and available for inspection by the Department. A post office box is not a physical address;

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B. Additionally, prior to the issuance of a **property** bail bondsman license, each property bail bondsman applicant shall provide proof of unencumbered collateral of \$200,000 on his bonds and proof of unencumbered collateral of \$200,000 on the bonds of each of his agents. Any collateral that is not in the form of real estate, cash, or certificates of deposit issued by a FDIC-insured financial institution shall be specifically approved by the Department before it may be used as collateral.

1. If the property used as collateral is real estate, such real estate shall be located in the Commonwealth. In addition, the property bail bondsman applicant shall submit to the Department:

- a) A true copy of the current real estate tax assessment thereof, certified by the appropriate assessing officer of the locality wherein such property is located or, at the option of the property bail bondsman, an appraisal of the fair market value of the real estate, which appraisal shall have been prepared by a licensed real estate appraiser, within one year of its submission.
- b) A new appraisal, if, at its discretion, the Department so orders for good cause shown prior to licensure. At the discretion of the Department, after the original submission of any property appraisal or tax assessment, further appraisals or tax assessments for that property may not be required more than once every five years.
- c) An affidavit by the property bail bondsman applicant that states, to the best of such person's knowledge, the amount of equity in the real estate, and the amounts due under any obligations secured by liens or similar encumbrances

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against the real estate, including any delinquent taxes, as of the date of the submission. At its discretion, the Department may require additional documentation to verify these amounts.

2. If the property used as collateral consists of cash or certificates of deposit, the property bail bondsman applicant shall submit to the Department verification of the amounts, and the names of the financial institution in which they are held.
3. Any property bail bondsman issued a certificate by a judge pursuant to former § 19.2-152.1, prior to July 1, 1989, who has continuously maintained his certification and who has never provided to a court collateral of \$200,000 or more, shall continue to be exempt from the \$200,000 collateral requirements specified above. Those property bail bondsmen who are exempted from this provision shall satisfy all of the other requirements in this article for bail bondsmen, and shall provide to the Department the collateral amount to which they may bond and provide proof of his prior certification by obtaining a certified copy of: (i) the certificate issued pursuant to former § 19.2-152.1 and (ii) the documents held by the originating court that stated the collateral amount for which they were able to bond.
4. Each property bail bondsman shall place a deed of trust on the real estate that he is using for the limit of his expected bonded indebtedness to secure the Commonwealth and shall name the attorney for the Commonwealth of the affected locality as trustee under the deed of trust, and furnish the Department an acceptable appraisal and title certificate of the real estate subject to any such deed of trust.



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5. Each agent bail bondsman shall submit signed documentation authorizing special power of attorney for the purpose of bonding on the collateral provided by the principal bail bondsman.

C. Prior to the issuance of a **surety** bail bondsman license, each surety bail bondsman applicant shall:

1. Submit proof of current licensing as a property and casualty insurance agent validated by the State Corporation Commission.
2. Submit copies of each qualifying power of attorney that will be used to provide surety. All qualifying powers of attorney filed with the Department shall contain the name and contact information for both the surety agent and the registered agent of the issuing company. In the event an applicant for a surety bail bondsman license is unable to obtain a qualifying power of attorney prior to the issuance of his license.
3. The Department may issue a letter of temporary licensure for not more than 30 days on the condition that each qualifying power of attorney obtained be filed within the 30 days. This temporary license does not permit a surety bail bondsman to write bail bonds for any insurance company without first filing the company qualifying power of attorney with the Department.

**6 VAC 20-250-50 Fingerprint processing**

A. Each person applying for licensure as a bail bondsman shall submit to the Department:

1. One completed fingerprint card provided by the Department or another electronic method approved by the Department;
2. A fingerprint processing application;

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3. The applicable nonrefundable fee; and
  4. All criminal history conviction information on a form provided by the Department.
- B. The Department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia Criminal History Records search and a National Criminal Records search to determine whether the person or persons have a record of conviction.
- C. Fingerprint cards found to be unclassifiable will suspend action on the application pending the re-submittal of a classifiable fingerprint card. The applicant shall be so notified in writing and shall submit a new fingerprint card within 30 days before the processing of his application shall resume. After 30 days, the initial fingerprint application process will be required to include applicable application fees.
- D. If the applicant is denied by DCJS, the Department will notify the applicant by letter regarding the reasons for the denial.

**6 VAC 20-250-60 Application Sanctions/Denial, Probation, Suspension and Revocation**

- A. The Department may deny a license in which any person has been convicted in any jurisdiction of any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this regulation. The record of a conviction, authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.
- B. The Department may deny a license in which any person has not maintained good standing in every jurisdiction where licensed; or has had his license denied upon initial application, suspended, revoked, surrendered, or not renewed; or has otherwise been disciplined in connection with a disciplinary action prior to applying for licensing in Virginia.

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- C. Any false or misleading statement on any state application or supporting documentation is grounds for denial or revocation and may be subject to criminal prosecution.
- D. The Department may deny licensure to a person for other just cause.
- E. A licensee shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this regulation. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act. The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

**6 VAC 20-250-70 License Issuance**

- A. Upon completion of the initial license application requirements, the Department may issue an initial license for a period not to exceed 24 months.
- B. Each license shall be issued to the applicant named on the application and shall be valid only for the person named on the license. No license shall be assigned or otherwise transferred to another person.
- C. Each licensee shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this regulation.

**6 VAC 20-250-80 Firearm Endorsement**

In addition to applying for a bail bondsman license, each applicant who carries or has immediate access to a firearm while on duty must apply for such endorsement on a form and in the manner prescribed by the Board, and containing any information the Board requires.

- A. Prior to the issuance of a firearm endorsement, each applicant shall:

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1. Successfully complete the entry-level firearms training, pursuant to the compulsory minimum training standards set forth in Part IV of this regulation; and
  2. Submit the appropriate nonrefundable application-processing fee to the Department.
- B. Upon completion of the application requirements, the Department may issue a firearm endorsement for a period not to exceed 12 months.
- C. Firearms endorsements may be reissued for a period not to exceed a period of 12 months when the applicant has met the following requirements:
1. Filed with the Department a completed application for such endorsement on the form and in the manner provided by the Department at least 30 days prior to expiration of their current endorsement; and
  2. Successfully completed the firearms re-training, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation; and
  3. Submitted the appropriate nonrefundable application-processing fee to the Department

**6 VAC 20-250-90 License Renewal Application**

The Department should receive applications for licensure renewal at least 30 days prior to expiration. The Department will provide a renewal notification to the last known mailing address of the licensed person. However, if a renewal notification is not received by the person, it is the responsibility of the person to ensure renewal requirements are filed with the Department.

- A. Each person applying for license renewal shall meet the minimum requirements for eligibility as follows:

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1. Successfully complete the in-service training, and firearms retraining if applicable, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation; and
2. Be in good standing in every jurisdiction where licensed. This subdivision shall not apply to any probationary periods during which the person is eligible to operate under the license.

## C. The Department may renew a license when the Department receives the following:

1. A properly completed renewal application provided by the Department;
2. Fingerprint cards submitted pursuant to 6VAC20-250-50;
3. The applicable, nonrefundable license renewal fee;
4. Proof of successful completion of the in-service training, pursuant to the compulsory minimum training standards set forth under Part IV of this regulation; and
5. All other documentation listed in subsections B and C pursuant to 6 VAC 20-250-40 deemed appropriate by the Department as reflected on the license renewal application.

## D. Upon completion of the renewal license application requirements, the Department may issue a license for a period not to exceed 24 months.

## E. Any renewal application received by the Department shall meet all renewal requirements prior to the expiration date of a license or shall be subject to the initial bail bondsman license application requirements pursuant to 6 VAC 20-250-40.

**6 VAC 20-250-100 License Termination**

## A. Any surety bail bondsman license issued pursuant to this article shall terminate immediately upon the termination of the licensee's property and casualty insurance agent license, and may

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not be applied for again until the person has been issued a new property and casualty insurance agent license.

- B. A surety bail bondsman may apply for reinstatement of the terminated license no more than 120 days from termination with the appropriate reinstatement application and non-refundable fees. After 120 days application for a bail bondsman license shall be subject to the initial bail bondsman license application requirements pursuant to 6 VAC 20-250-40.

**6 VAC20-250-110 Replacement state issued identification**

- A. Licensed person seeking a replacement state issued photo identification shall submit to the Department:
1. A properly completed application provided by the Department; and
  2. The applicable, nonrefundable application fee.

**PART IV. COMPULSORY MINIMUM TRAINING STANDARDS****FOR BAIL BONDSMEN****ARTICLE 1. Training Requirements****6 VAC 20-250-120 Entry-level training.**

- A. Each bail bondsman as defined by § 9.1-185 of the Code of Virginia must meet the compulsory minimum training standards herein established, unless provided for otherwise in accordance with this regulation.
- B. Training will be credited only if application for licensure is submitted to the Department within 12 months of completion of training.
- C. Hour requirement. The compulsory minimum entry level training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be:

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1. Bail Bondsman Core Training -- 40 hours

2. Firearms Training -- 14 hours

D. Course content. The compulsory minimum entry level training course content by category, excluding examinations, mandated practical exercises and range qualification, shall be as provided in this subsection.

**Core subjects.** The entry-level curriculum set forth the following areas identified as:

I. Orientation- 2 hours.

A. Ethical Standards

1. Professionalism
2. Misrepresentation
3. Conflicts of Interest
4. Information Protection, Confidentiality, and Discretion Requirements

B. Brief Introduction to Code of Virginia & Regulations Relating to Bail Bondsman

II. Law - 8 hours plus one practical exercise.

A. Code of Virginia and Regulations Relating to Bail Bondsman

1. Definitions
2. Licensing Procedures and Requirements
3. Compulsory Minimum Training Standards
4. Standards of Practice and Prohibited Acts
5. Administrative Requirements/Standards of Conduct
6. Administrative Reviews, Complaints, Procedures, and Responsibilities

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B. Basic Law

1. Legal terminology and definitions
2. Purpose and function of law
3. US Constitution
  - a. Amendments
  - b. Bill of Rights
4. Landmark Cases
5. Limitations and liability

C. Surety and Property Law

1. Surety Bail Bondsman
  - a. Insurance Companies
  - b. Agent vs. Attorney-in-Fact
  - c. Virginia Qualification Requirements
2. Property Bail Bondsman
  - a. Virginia Property Requirements
  - b. Agent Requirements

D. Courts

1. Civil Court System
  - a. Federal
  - b. State
  - c. Local Jurisdiction
  - d. Definitions



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- e. Civil Judicial Procedures
  - 2. Criminal Court System
    - a. State and Federal
    - b. Legal Authority and Related Issues
    - c. Liability Concerns
    - d. Definitions / Interpretations
    - e. Magistrates
  - E. Release from Legal Obligation
    - 1. When Defendant answers charge
    - 2. Circulate the bail piece release
    - 3. Special considerations
      - a. The Recognizance
      - b. Preliminary Hearing
      - c. Bond Continuation Pending Pre-sentence Report
      - d. Sentencing
      - e. Withhold findings
      - f. Bond reinstatement
- III. Fugitive Recovery - 24 hours plus one practical exercise.
- A. Legal Procedures
    - 1. Bondsman's legal right to recover
    - 2. Notice of Show Cause Hearing
    - 3. Entry of finding of default

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4. Payment of forfeiture
  5. Recovery: 12 months from entry of finding of default
  6. Section 9.1-185.15 Recovery of Bailees
- B. Criminal Statutes
1. Liability considerations/liability insurance
  2. Case law
  3. Law enforcement
    - a. State
    - b. Federal
  4. Reasonable force to effect apprehension
- C. Use of recovery agents in Virginia
1. Virginia Legal Requirements
  2. Recovery Agents Authority
  3. Employee vs. Independent Contractor
  4. Liability considerations/liability insurance
- D. Investigative Techniques
1. Surveillance
  2. Court Research
  3. Law Enforcement Coordination
  4. Interviewing
  5. Impersonation and Misrepresentation
  6. Reference Materials and Resource List

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7. Skip Tracing Techniques
8. Fugitive Identification
- E. Recovery Procedures
  1. Pursuit
    - a. Foot
    - b. Vehicular
    - c. Other
  2. Entry and Search
  3. Perimeter/ Interior Room Control
- F. Agent Survival
  1. Confrontation Management
  2. Use of Force
  3. Deadly Force
  4. Escalation of Force
  5. Emergency Procedures
- G. Apprehension of a Fugitive
  1. Compliant versus Non-compliant Procedures
  2. Search of Person
    - a. Personal Items
    - b. Seizure of Contraband
  3. Handcuffing Techniques

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4. Rights of the Accused
  5. Detainment and Transportation
  6. Interstate Transport
  7. False Arrest
- V. Responsibilities of Bondsman and Remanding To Custody: 2 hours + 1 practical exercise
- A. Recovery in Virginia
  - B. Recovery out of Virginia; Uniform Extradition Act
  - C. International recovery
  - D. Legal Detainment Facilities
  - E. Entering the Jail or Sally Port
  - F. Signing the Bail piece / Return to Court
  - G. Hospital Procedures for Injuries
- IV. Documentation - 2 hours plus one practical exercise.
- A. Required by the Courts
  - B. Required by DCJS
  - C. Record keeping
  - D. Reporting
  - E. Retaining Records

## V. Written Examination

Total hours (excluding exam) – 40 hours

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### **6 VAC 20-250-130 In-service training**

A. Each person licensed with the Department as a bail bondsman shall complete the compulsory in-service training standards within the last 12 months preceding the expiration date of licensure. If in-service training is not completed by the expiration date of licensure, entry-level training will be required pursuant to initial licensure requirements pursuant to 6VAC 20-250-40.

B. Course content. The compulsory minimum in-service training course content by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Bail Bondsman core subjects:
  - a) Legal authority--2 hours
  - b) Job-related training--6 hours

Total hours—8 hours

### **6 VAC 20-250-140 Training Extension**

A. An extension of the time period to meet in-service training requirements may be approved only under specific circumstances, which do not allow bail bondsmen to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;
2. Extended injury;
3. Military or Foreign Service.

B. A request for extension shall:

1. Be submitted in writing prior to the expiration date of the bail bondsman license.

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2. Indicate the projected date the person will be able to comply with the requirements; and
  3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.
- D. No extension will be approved for licenses that have expired.
- E. Approved extensions may only be granted for a period not to exceed 12 months.
- F. If in-service training is not completed within the extension period, entry-level training will be required for licensure.

## **ARTICLE 2. Firearms Training Requirements**

### **6 VAC 20-250-150 General firearms training requirements**

- A. Firearms training endorsement is required for all bail bondsmen who carry or have immediate access to a firearm while on duty. Each person who carries or has immediate access to firearms while on duty shall qualify with each type of action and caliber of firearm to which he has access.

### **6 VAC 20-250-160 Firearms (handgun/shotgun) entry-level training**

- A. All armed bail bondsmen must satisfactorily complete the firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services of the Administrative Code of Virginia for handgun and for shotgun, if applicable, prior to the issuance of the Firearms Endorsement.

6 VAC 20-250-170 Firearms (handgun/shotgun) retraining. On an annual basis all armed bail bondsman must requalify for a firearms Endorsement by satisfactorily completing firearms

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classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services of the Administrative Code of Virginia for handgun and for shotgun, if applicable.

### **ARTICLE 3. Training Sessions**

#### **6 VAC 20-250-180. Bail Bondsmen & Firearms training sessions.**

A. Training sessions will be conducted by private security services training schools certified or licensed under the Regulations Relating to Private Security Services in accordance with requirements established in this chapter. Adherence to the administrative requirements, attendance and standards of conduct are the responsibility of the training school, training school director and instructor of the training session.

#### B. Administrative requirements.

1. In a manner approved by the department, a notification to conduct a training session shall be submitted to the department. All notifications shall be received by the department, or postmarked if mailed, no less than seven calendar days prior to the beginning of each training session to include the date, time, instructors and location of the training session. The department may allow a session to be conducted with less than seven calendar days of notification with prior approval. Session notifications require no fee from the training school. A notification to conduct a training session shall be deemed to be in compliance unless the department notifies the training school director to the contrary.

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2. Notification of any changes to the dates, times, location or cancellation of a future training session must be submitted to the department in writing and received by the department at least twenty-four (24) hours in advance of the scheduled starting time of the class. In the event that a session must be cancelled on the scheduled date, the department must be notified immediately followed by a cancellation in writing as soon as practical.
3. On a form provided by the department, the training school director shall issue an original training completion form and training certificate to each student who satisfactorily completes a training session no later than five business days following the training completion date.
4. In a manner approved by the department, the training school director shall submit an original training completion roster to the department affirming each student's successful completion of the session. The training completion roster shall be received by the department within seven calendar days, or postmarked if mailed, no later than five business days following the training completion date.
5. A written examination shall be administered at the conclusion of each entry level training session. The examination shall be based on the applicable learning objectives. The student must attain a minimum grade of 70% for all entry-level training examinations to satisfactorily complete the training session.
6. Firearms classroom training shall be separately tested and graded. Individuals must achieve a minimum score of 70% on the firearms classroom training examination.



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7. Failure to achieve a minimum score of 70% on the firearms classroom written examination will exclude the individual from the firearms range training.
8. To successfully complete the firearms range training; the individual must achieve a minimum qualification score of 75% of the scoring value of the target.
9. To successfully complete the bail bondsman entry-level training session, the individual must:
  - a. Successfully complete each of the three graded practical exercises required; and
  - b. Pass the written examination with a minimum score of 70%.

C. Attendance.

1. Individuals enrolled in an approved training session are required to be present for the hours required for each training session unless they have been granted a partial exemption to training from the department.
2. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed. Such training must be completed within 60 days after the completion of the training session or at the next available session offered by the training school. Individuals not completing the required training within this period are required to complete the entire training session.
3. Individuals that do not successfully complete the compulsory minimum training standards of the training session shall not be reported to the department except where required pursuant to this chapter.

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4. Each individual attending an approved training session shall comply with the regulations promulgated by the board and any other rules within the authority of the training school. If the training school director or instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on examinations, the training school director or instructor may expel the individual from the school. Notification of such action shall immediately be reported to the employing firms and the department.

D. Standards of conduct.

1. The training school, training school director and instructor shall at all times conform to the application requirements, administrative requirements and standards of conduct established for certification as a training school and instructor.
2. Training sessions will be conducted by certified instructors or other individuals authorized to provide instruction pursuant to this chapter.
3. Training sessions will be conducted utilizing lesson plans developed including at a minimum the compulsory minimum training standards established pursuant to this chapter.
4. Instruction shall be provided in no less than 50-minute classes.
5. Training sessions may not exceed nine hours of classroom instruction per day. Range qualification and practical exercises shall not be considered classroom instruction; however, total training, including the maximum allotment of nine hours classroom instruction and applicable range qualification and practical exercises, shall not exceed 12 hours per day. This does not include time allotted for breaks, meals and testing.

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6. All audio-visual training aids must be accompanied by a period of instruction where the instructor reviews the content of the presentation and the students are provided the opportunity to ask questions regarding the content.
7. A training session must adhere to the minimum compulsory training standards and must be presented in its entirety. Training school directors may require additional hours of instruction, testing or evaluation procedures.
8. A training session must provide accurate and current information to the students.
9. Mandated training conducted not in accordance with the Code of Virginia and this chapter is null and void.
10. A duplicate set of instructor course materials including all student materials shall be made available to any department inspector during the training session, if requested.

**6 VAC 20-250-190 Prior firearms training exemption**

A. Persons having previous Department-approved firearms training may be authorized credit for such training, which meets or exceeds the compulsory minimum training standards for a firearm endorsement, provided such training has been completed within the 12 months preceding the date of application. Official documentation of the following must accompany the application for partial in-service training credit:

1. Completion of Department approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

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- B. Individuals requesting a training exemption shall file an application furnished by the Department and include the applicable, nonrefundable application fee. The Department may issue a training exemption on the basis of individual qualifications as supported by required documentation.

## **PART V. RECORDKEEPING STANDARDS AND REPORTING REQUIREMENTS.**

### **6 VAC 20-250-200 Record keeping Standards**

- A. The bail bondsman shall retain, for a minimum of the three calendar years from the date of the termination of the liability:
1. Copies of recognizance, documentary evidence of terms of agreement between principal, indeminator and licensed bail bondsman.
  2. Copies of all written representations made to any court or to any public official for the purpose of avoiding a forfeiture of bail, setting aside a forfeiture, or causing a defendant to be released on his own recognizance.
  3. Copies of all affidavits and receipts made in connection with collateral received in the course of business.
  4. Evidence of the return of any security or collateral received in the course of business, including a copy of the receipt showing when and to whom the collateral was returned.
- B. Upon request of the Department, a bail bondsman shall provide any documents required to be kept pursuant to this section.

### **6 VAC 20-250-210 Reporting Requirements**

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- A. Each licensed bail bondsman shall report within 30 calendar days to the Department any change in his residence, name, business name or business address, and ensure that the Department has the names and all fictitious names of all companies under which he carries out his bail bonding business.
- B. Each licensed bail bondsman convicted of a felony shall report within 30 calendar days to the Department the facts and circumstances regarding the criminal conviction.
- C. Each licensed bail bondsman shall report to the Department, within 30 calendar days of the final disposition, of the matter any administrative action taken against him by another governmental agency in the Commonwealth or in another jurisdiction. Such report shall include a copy of the order, consent to order or other relevant legal documents.
- D. Each licensed bail bondsman shall report to the Department within 24 hours any event in which he discharges a firearm during the course of his duties.
- E. Each licensed **property** bail bondsman shall submit to the Department, in a format approved by the Department, not later than the fifth day of each month, a list of all outstanding bonds on which he was obligated as of the last day of the preceding month, together with the amount of the penalty of each such bond.
- F. Each licensed **property** bail bondsman shall report to the Department any change in the number of agents in his employment within seven days of such change and concurrently provide proof of collateral of \$200,000 for each new agent, in accordance with subsection C of § [9.1-185.5](#).
- G. Each licensed agent bail bondsman shall report to the Department any change in his employment within seven days of such change.

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- H. Each licensed **property** bail bondsman shall report to the Department within five business days if any new lien, encumbrance, or deed of trust is placed on any real estate that is being used as collateral on his or his agents' bonds as well as the amount it is securing. The reporting requirement deadline is deemed to begin as soon as the licensed property bail bondsman learns of the new lien, encumbrance, or deed of trust, or should have reasonably known that such a lien, encumbrance, or deed of trust had been recorded.
- I. Each licensed **surety** bail bondsman shall report to the Department within 30 days any change in his employment or agency status with a licensed insurance company. If the surety bail bondsman receives a new qualifying power of attorney from an insurance company, he shall forward a copy thereof within 30 days to the Department, in accordance with subdivision D 2 of § [9.1-185.5](#).

**PART VI. ADMINISTRATIVE REQUIREMENTS/STANDARDS OF CONDUCT****6 VAC 20-250-220 General requirements.**

- A. All bail bondsman are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, Department guidelines and this regulation.

**6 VAC 20-250-230 Professional conduct standards; grounds for disciplinary actions**

- A. Any violations of the restrictions or standards under this statute shall be grounds for placing on probation, refusal to issue or renew, sanctioning, suspension or revocation of the bail bondsman's license. A licensed bail bondsman is responsible for ensuring that his employees, partners and persons contracted to perform services for or on behalf of the bonding business complies with all of these provisions, and do not violate any of the restrictions that apply to bail bondsmen. Violations by a bondsman's employee, partner, or agent may be

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grounds for disciplinary action against the bondsman, including probation, suspension or revocation of license. Upon notification from the State Corporation Commission of a license suspension, the Department shall immediately suspend a surety bondsman's license, pending the results of an investigation.

B. A licensed bail bondsman shall not:

1. Knowingly commit, or be a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, forgery, scheme or device whereby any other person lawfully relies upon the word, representation, or conduct of the bail bondsman.
2. Solicit sexual favors or extort additional consideration as a condition of obtaining, maintaining, or exonerating bail bond, regardless of the identity of the person who performs the favors.
3. Conduct a bail bond transaction that demonstrates bad faith, dishonesty, coercion, incompetence, extortion or untrustworthiness.
4. Coerce, suggest, aid and abet, offer promise of favor, or threaten any person on whose bond he is surety or offers to become surety, to induce that person to commit any crime.
5. Give or receive, directly or indirectly, any gift of any kind to any non-elected public official or any employee of a governmental agency involved with the administration of justice, including but not limited to law-enforcement personnel, magistrates, judges, and jail employees, as well as attorneys. De minimis gifts, not to exceed \$50 per year per recipient, are acceptable, provided the purpose of the gift is not to directly solicit business, or would otherwise be a violation of Board regulations or the laws of the Commonwealth.

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6. Fail to comply with any of the statutory or regulatory requirements governing licensed bail bondsmen.
  7. Fail to cooperate with any investigation by the Department.
  8. Fail to comply with any subpoena issued by the Department.
  9. Provide materially incorrect, misleading, incomplete or untrue information in a license application, renewal application, or any other document filed with the Department.
  10. Provide bail for any person if he is also an attorney representing that person.
  11. Provide bail for any person if the bondsman was initially involved in the arrest of that person.
  12. Provide bail for the same charge on a person who the bondsman issued a surety bail piece.
- C. A licensed bail bondsman shall ensure that each recognizance on all bonds for which he signs shall contain his name, license number and contact information.
- D. A surety bail bondsman shall in addition ensure that each recognizance for which he signs contains the contact information for both the surety agent and the registered agent of the issuing company.
- E. An administrative fee may be charged by a bail bondsman, not to exceed reasonable costs and must be disclosed in writing. Reasonable costs may include, but are not limited to, travel, court time, recovery fees, phone expenses, administrative overhead and postage.
- F. A **property** bail bondsman shall not enter into any bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess



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of the true market value of the equity in his real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof.

G. A **property** bail bondsman or his agent shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.

H. A surety bail bondsman shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.

I. A **surety** bail bondsman shall not write bail bonds on any qualifying power of attorney for which a copy has not been filed with the Department.

J. A **surety** bail bondsman shall not violate any of the statutes or regulations that govern insurance agents.

K. A licensed bail bondsman shall disclose in writing to the indemnator if the bail bondsman has the knowledge that the bailee is being held in multiple jurisdictions.

**6 VAC 20-250-240 Solicitation of business; standards; restrictions and requirements.**

A. Only licensed bail bondsmen shall be authorized to solicit bail bond business in the Commonwealth.

B. A licensed bail bondsman shall not:

1. Solicit bail bond business or have any person solicit on his behalf by directly initiating contact with any person in any court, jail, lock-up, or surrounding government property.
2. Leave any type of advertising material in any court, jail, lock-up or surrounding government property.
3. Loiter by any jail or magistrate's office unless there on legitimate business.

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4. Communicate with any inmate without first notifying the sheriff or jailor of their intent to communicate with such inmate.
5. Hand out more than one business card or advertising material to any one inmate.
6. Refer a client or a principal for whom he has posted bond to an attorney for financial profit or other consideration.

**6 VAC 20-250-250 Recovery of bailees; methods of capture; standards and requirements; limitations**

- A. During the recovery of a bailee, a bail bondsman shall have a copy of the relevant recognizance for the bailee. In the event a bail bondsman is recovering the bailee of another bondsman, he shall also have written authorization from the bailee's bondsman, obtained prior to affecting the capture. The Department shall develop the written authorization form to be used in such circumstances.
- B. A bail bondsmen shall not enter a residential structure without first verbally notifying the occupants who are present at the time of the entry.
- C. Absent exigent circumstances, a bail bondsman shall give prior notification of at least 24 hours to local law enforcement or state police of the intent to apprehend a bailee. In all cases, a bail bondsman shall inform local law enforcement within 30 minutes of capturing a bailee.
- D. A bail bondsman shall not break any laws of the Commonwealth in the act of apprehending a bailee.
- E. A bail bondsman shall adhere to the recovery requirements pursuant to 19.2.149 of the Code of Virginia.

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- F. A bail bondsman must complete and maintain the information on the recovery of a bailee on a form prescribed by the Department.

**6 VAC 20-250-260 Collateral received in the course of business; standards and requirements**

- A. A licensed bail bondsman shall be permitted to accept collateral security or other indemnity from the principal, which shall be returned upon final termination of liability on the bond, including the conclusion of all appeals or appeal periods. Such collateral security or other indemnity required by the bail bondsman shall be reasonable in relation to the amount of the bond.
- B. When a bondsman accepts collateral, he shall give a written receipt to the depositor. The receipt shall provide a full description of the collateral received and the terms of redemption or forfeiture. The receipt shall also include the depositor's name and contact information.
- C. Any bail bondsman who receives collateral in connection with a bail transaction shall receive such collateral in a fiduciary capacity, and prior to any forfeiture of bail shall keep it separate and apart from any other funds or assets of such bail bondsman. In the event a bondsman receives collateral in the nature of a tangible good, it shall be a per se violation of the bail bondsman's fiduciary duty to make personal use of any such collateral unless there is a proper forfeiture of bail.
- D. Any collateral received shall be returned with all due diligence to the person who deposited it with the bail bondsman or any assignee other than the bail bondsman as soon as the obligation is discharged and all fees owed to the bail bondsman have been paid. In any event,

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after a specific request for the return of the collateral by the depositor, the collateral shall be returned within 15 days after all fees owed have been paid.

**6 VAC 20-250-270 Uniforms and identification; standards and restrictions**

A bail bondsman shall not wear, carry, or display any uniform, badge, shield, or other insignia or emblem that implies he is an agent of state, local, or federal government.

A. A bail bondsman shall wear or display only identification issued by, or whose design has been approved by the Department.

- a. A bail bondsman is required to visibly display on his outermost clothing, the photo identification license issued by the Department at all times while on legitimate bail bonding business on government property.
- b. A bail bondsman may display only his name and name of his company on the front of his shirt or jacket on government property as long as the insignia or emblem is no larger than 3 x 5 inches in its entirety.

**PART VII. COMPLAINTS, DEPARTMENT ACTIONS, ADJUDICATION****ARTICLE 1. Complaints****6 VAC 20-250-280 Submittal requirements**

A. Any aggrieved or interested person may file a complaint against any person whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing bail bondsman services or this regulation.

B. Complaints may be submitted:

1. In writing, or on a form provided by the Department, by a signed complainant;

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2. In writing, submitted anonymously, that provide sufficient detailed information for the Department to conduct an investigation; or
3. Telephonically, providing the complaint alleges activities which constitute a life-threatening situation, or have resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm or personal injury, and that provide sufficient detailed information for the Department to conduct an investigation.

**6 VAC 20-250-290 Department investigation**

- A. The Department may initiate or conduct an investigation based on any information received or action taken by the Department to determine compliance with the Code of Virginia and this regulation.
- B. Documentation.
  1. Persons regulated or required to be regulated by this regulation pursuant to the Code of Virginia are required to provide Department investigators with any and all records required to be maintained by this regulation.
  2. This shall not be construed to authorize the Department to demand records protected under applicable federal and state laws. If such records are necessary to complete an investigation, the Department may seek a subpoena to satisfy the request.
  3. The Department shall endeavor to review, and request as necessary, only those records required to verify alleged violations of compliance with the Code of Virginia and this regulation.
  4. The Department shall endeavor to keep any documentation, evidence or information on an investigation confidential until such time as adjudication has been completed, at

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which time information may be released upon request pursuant to applicable federal and state laws, rules or regulations.

**ARTICLE 2. Department Actions****6 VAC 20-250-300 Disciplinary action; sanctions; publication of records**

Each person subject to jurisdiction of this regulation who violates any statute or regulation pertaining to bail bondsman services shall be subject to sanctions imposed by the Department regardless of criminal prosecution.

A. The Department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of the Code of Virginia or of this regulation:

1. Letter of reprimand or censure;
2. Probation for any period of time;
3. Suspension of license or approval granted, for any period of time;
4. Revocation;
5. Refusal to issue or renew a license or approval;
6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted.
7. Remedial Training

B. The Department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this regulation but do not hold a valid license, certification or registration. Any person in violation of a cease and desist order entered by the Department

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shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

- C. The director (chief administrative officer of the Department) may summarily suspend a license under this regulation without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the continued operations of the licensee would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or which may result in imminent harm, personal injury or loss.
- D. All proceedings pursuant to this section are matters of public record and shall be preserved.

The Department may publish a list of the names and addresses of all licensees whose conduct and activities are subject to this regulation and have been sanctioned or denied licensure or approval.

**6 VAC 20-250-310 Fines, administrative and investigative costs**

- A. The Department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or regulations, which result in a sanction, including fine, probation, suspension, revocation or denial of any license. Such costs shall be in addition to any monetary penalty that may be imposed.

**ARTICLE 3. Adjudication****6 VAC 20-250-320 Hearing process**

- A. Following a preliminary investigative process, the Department may initiate action to resolve the complaint through an informal fact-finding conference or formal hearing as established in

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this regulation. Pursuant to the authority conferred in § 9.1-141 C 6 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act and the procedures prescribed herein, the Department is empowered to receive, review, investigate and adjudicate complaints concerning the conduct of any person whose activities are regulated by the board. The board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

**6 VAC 20-250-330 Informal fact-finding conference**

- A. The purpose of an informal fact-finding conference is to resolve allegations through informal consultation and negotiation. Informal fact-finding conferences shall be conducted in accordance with § 2.2-4019 of the Code of Virginia. The respondent, the person against whom the complaint is filed, may appeal the decision of an informal fact-finding conference and request a formal hearing, provided that written notification is given to the Department within 30 days of the date the informal fact-finding decision notice was served, or the date it was mailed to the respondent, whichever occurred first. In the event the informal fact-finding decision was served by mail, three days shall be added to that period.

**6 VAC 20-250-340 Formal hearing**

- A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.



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- B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of any license or approval, the Department may assess the holder thereof the cost of conducting such hearing when the Department has final authority to grant such license, registration, certification or approval, unless the Department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be limited to (i) the reasonable hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

**6 VAC 20-250-350 Appeals**

The findings and the decision of the director may be appealed to the board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services within 30 days following the date notification of the hearing decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

**6 VAC 20-250-360 Court review; appeal of final agency order**

The agency's final administrative decision (final agency orders) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the city of Richmond, Virginia.

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- A. Notification shall be given to the attention of the Director, Department of Criminal Justice Services in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)
- B. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect, unless the court issues a stay of the order.